

REMARKS

Claims 1 and 3-21 are currently pending in this application. In the Office Action mailed October 16, 2003, the Office rejected claims 1, 3-7, 15 and 16 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-28 of Lim et al. (U.S. Patent No. 6,344,045) in view of Simhambhatla et al. (U.S. Patent No. 6,428,506). Further, claims 8-10 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-28 of Lim et al. in view of Saab (U.S. Patent No. 5,499,973). Claims 11-14 have been objected to as being dependent upon a rejected base claim, but the Office has indicated that they would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Applicants appreciate the Office's indication that claims 17-21 are allowed.

Applicant submits herewith for the Examiner's consideration a terminal disclaimer disclaiming the terminal part of the statutory term of any patent granted on the above-identified application, which would extend beyond the expiration date of the full statutory term of the Lim et al. reference. Accordingly, in view of this terminal disclaimer, applicants respectfully request that the double patenting rejection be withdrawn.

CONCLUSION

In view of the foregoing, Applicants respectfully submits that claims all pending claims are in condition for allowance. Reexamination and reconsideration of the application are respectfully requested and allowance at an early date is solicited.

Respectfully submitted,

FULWIDER PATTON LEE & UTECHT, LLP

By: Karen L. Ruthig
Karen L. Ruthig
Registration No. 54,415

PYF:KLR
Howard Hughes Center
6060 Center Drive, Tenth Floor
Los Angeles, CA 90045
Telephone: (310) 824-5555
Facsimile: (310) 824-9696
Customer No. 24201